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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation/Petition to
Revoke Probation Against:

Case No. 6868

CYNTHIA RENEE FREMONT
2607 Joaquin Drive
Burbank, CA 91504

Vocational Nurse License No.
VN 130710

Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 15, 2011.

IT IS SO ORDERED this 15th day of June, 2011.



John P. Vertido, L.V.N.
President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-8311
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation/Petition to
12 Revoke Probation Against:

Case No. 6868

13 **CYNTHIA RENEE FREMONT**
14 **2607 Joaquin Drive**
Burbank, CA 91504

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Vocational Nurse License No. VN 130710**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the
22 Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her
23 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of
24 the State of California, by Anahita S. Crawford, Deputy Attorney General.

25 2. Cynthia Renee Fremont (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

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3. On or about December 26, 1985, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License No. VN 130710 to Cynthia Renee Fremont (Respondent). The Vocational Nurse License expired on June 30, 2009, and has not been renewed.

JURISDICTION

4. Accusation/Petition to Revoke Probation No. 6868 was filed before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on November 19, 2010. Respondent has not filed a Notice of Defense contesting the Accusation/Petition to Revoke Probation but has indicated she wishes to surrender her license. A copy of Accusation/Petition to Revoke Probation No. 6868 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation/Petition to Revoke Probation No. 6868. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation/Petition to Revoke Probation No. 6868, agrees that cause exists for discipline and

1 hereby surrenders her Vocational Nurse License No. VN 130710 for the Board's formal
2 acceptance.

3 9. Respondent understands that by signing this stipulation she enables the Board to issue
4 an order accepting the surrender of her Vocational Nurse License without further process.

5 CONTINGENCY

6 10. This stipulation shall be subject to approval by the Board of Vocational Nursing and
7 Psychiatric Technicians. Respondent understands and agrees that counsel for Complainant and
8 the staff of the Board of Vocational Nursing and Psychiatric Technicians may communicate
9 directly with the Board regarding this stipulation and surrender, without notice to or participation
10 by Respondent. By signing the stipulation, Respondent understands and agrees that she may not
11 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers
12 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
13 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
14 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
15 be disqualified from further action by having considered this matter.

16 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
17 License and Order, including facsimile signatures thereto, shall have the same force and effect as
18 the originals.

19 12. This Stipulated Surrender of License and Order is intended by the parties to be an
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
22 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
23 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
24 executed by an authorized representative of each of the parties.

25 13. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Vocational Nurse License No. VN 130710, issued to Respondent Cynthia Renee Fremont, is surrendered and accepted by the Board of Vocational Nursing and Psychiatric Technicians.

14. The surrender of Respondent's Vocational Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a licensed vocational nurse in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board her wall license certificate and, if one was issued, her pocket license on or before the effective date of the Decision and Order.

17. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation/Petition to Revoke Probation No. 6868 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

18. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$2,148.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

19. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation/Petition to Revoke Probation, No. 6868 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

20. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Vocational Nursing and Psychiatric Technicians' Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Vocational Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

DATED:

3/9/2011


CYNTHIA RENEE FREMONT
Respondent

ENDORSEMENT


The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

KAMALA D. HARRIS.
Attorney General of California

JANICE K. LACHMAN
Supervising Deputy Attorney General


ANAHITA S. CRAWFORD
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation/Petition to Revoke Probation No. 6868

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-8311
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

FILED

Board of Vocational Nursing
and Psychiatric Technicians

8
9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation/Petition to
12 Revoke Probation Against:

Case No. 6868

13 **CYNTHIA RENEE FREMONT**
14 **2607 Joaquin Drive**
Burbank, CA 91504

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

15 **Vocational Nurse License No. VN 130710**

16 **Respondent.**

17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation and
20 Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board
21 of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

22 **Vocational Nurse License**

23 2. On or about December 26, 1985, the Board issued Vocational Nurse License Number
24 VN 130710 to Cynthia Renee Fremont ("Respondent"). The vocational nurse license expired on
25 June 30, 2009, and has not been renewed.

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referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

9. Respondent is subject to discipline pursuant to Code section 2878, subdivision (f), in that on March 1, 2010, in the Superior Court, County of Kings, California, in the matter entitled *People vs. Cynthia Fremont*, 2009, Case No. 09CM8539, Respondent was convicted by the court following her plea of guilty to a violation of Penal Code section 289.6, subdivision (a)(3) (willfully and unlawfully, while an employee of the California Department of Corrections and Rehabilitation did engage in sexual activity with a consenting adult who is a parolee), a felony. The circumstances of the crime are that between March 1, 2008, and November 13, 2008, Respondent, while an employee at Avenal State Prison, Avenal, California, engaged in a sexual relationship with John Doe, a prisoner/parolee. Such conduct is substantially related to the qualifications, functions, or duties of a licensed vocational nurse.

SECOND CAUSE FOR DISCIPLINE

(Sexual Misconduct or Relations with a Patient/Client)

10. Respondent is subject to discipline pursuant to Code sections 2878, subdivision (a) and 726, on the grounds of unprofessional conduct, in that from on or about March 1, 2008, and July 3, 2008, Respondent while employed by the California Department of Corrections and Rehabilitation and working at Avenal State Prison, Avenal, California, Respondent committed acts constituting sexual misconduct and/or relations with inmate/parolee John Doe. Said conduct included participation in unauthorized communications with the inmate; providing the inmate the use of or access to an unauthorized cellular telephone communication and text messaging; and

engaging in sexual activity with the parolee. Respondent was convicted of such behavior, as more particularly set forth in paragraph 9, above.

PETITION TO REVOKE PROBATION

11. Grounds exist for revoking the probation and reimposing the order of revocation of Respondent's Vocational Nurse License No. VN 130710. Condition 12 of the Decision states:

If Respondent violates the conditions of her probation, the Board after giving the Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed disciplinary order of revocation of the Respondent's license. If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

12. Respondent has violated the Probation Program, as more particularly set forth in the following paragraphs:

FIRST CAUSE TO REVOKE PROBATION

(Failure to Obey All Laws)

13. At all times after the effective date of Respondent's probation, Condition 1, stated:

Respondent shall obey all federal, state and local laws, including all statutes and regulations governing the license. Respondent shall submit, in writing, a full and detailed account of any and all violations of the law to the Board within five (5) days of occurrence. To ensure compliance with this term, respondent shall submit two (2) completed fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30) days of the effective date of the decision, unless the Board determines that fingerprint cards were already submitted by Respondent as part of her licensure application process effective July 1, 1996. Respondent shall also submit a recent 2" x 2" photograph of Female within thirty (30) days of the effective date of the decision.

14. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 1, referenced above. The facts and circumstances regarding this violation are that Respondent failed to obey all laws, in that Respondent has been convicted of a crime, as more particularly set forth in paragraph 9 above. Respondent also failed to obey all statutes and regulations governing her license, in that Respondent committed acts involving sexual misconduct or relations with an inmate/parolee, as more particularly set forth in paragraph 10, above. Further, Respondent failed to submit in writing, a full and detailed account of any and all

violations of the law to the Board within five (5) days of occurrence. Respondent was arraigned on criminal charges on March 9, 2009. Respondent did not notify the Board of the arraignment until April 6, 2009.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Timely Submit Quarterly Reports)

15. At all times after the effective date of Respondent's probation, Condition 2, stated:

Respondent shall fully comply with terms and conditions of the probation established by the Board and shall cooperate with the representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Probation Program.

Respondent shall submit quarterly reports, under penalty of perjury, in a form required by the Board. The reports shall certify and document compliance with all the conditions of probation.

16. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 2, referenced above. The facts and circumstances regarding this violation are that Respondent failed to submit quarterly reports in a timely fashion as follows:

Reporting Period	Due Date	Date Received	Days Delinquent
January-March 2007	April 7, 2007	April 11, 2007	4
April-June 2007	July 7, 2007	July 10, 2007	3
July-September 2007	October 7, 2007	October 23, 2007	16
April-June 2008	July 7, 2008	July 9, 2008	2
April-June 2009	July 7, 2009	July 9, 2009	2

THIRD CAUSE TO REVOKE PROBATION

(Failure to Timely Notify the Board of Her Change of Telephone Number)

17. At all times after the effective date of Respondent's probation, Condition 3, stated:

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of her new address and any change in her work and/or home telephone numbers.

18. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 3, referenced above. The facts and circumstances regarding this violation

1 are that Respondent failed to notify the Board within five (5) days of changes to her telephone
2 and/or address.

3 FOURTH CAUSE TO REVOKE PROBATION

4 (Failure to Timely Notify Her Employer of Her Probationary Status)

5 19. At all times after the effective date of Respondent's probation, Condition 5, stated:

6 When currently employed or applying for employment in any capacity in
7 any health care profession, Respondent shall notify her employer of the probationary
8 statutes of Respondent's license. This notification to the Respondent's current health
9 care employer shall occur no later than the effective date of the Decision.
10 Respondent shall notify any prospective health care employer of her probationary
11 status with the Board prior to accepting such employment. This notification shall be
12 by providing the employer or prospective employer with a copy of the Board's
13 Accusation and Disciplinary Decision.

14 The Health Care Profession includes, but is not limited to: Licensed
15 Vocational Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant,
16 Paramedic, Emergency Medical Technician, Certified Nursing Assistant, Home
17 Health Aide, and all other ancillary technical health care positions.

18 Respondent shall cause each health care employer to submit quarterly
19 reports to the Board. The reports shall be on a form provided by the Board, shall
20 include a performance evaluation and such other information as may be required by
21 the Board.

22 Respondent shall notify the Board, in writing, within five (5) days of any
23 change in employment status. Respondent shall notify the Board, in writing, if she is
24 terminated from any nursing or health care related employment with a full
25 explanation of the circumstances surrounding the termination.

26 20. Respondent's probation is subject to revocation because she failed to comply with
27 Probation Condition 5, referenced above. The facts and circumstances regarding this violation
28 are as follows:

29 a. Respondent failed to timely notify her employer, at that time, Avenal State Prison,
30 by failing to provide them with a copy of the Accusation, Stipulated Settlement and Disciplinary
31 Order until October 18, 2007, which was 94 days after her date of hire, July 16, 2007.

32 b. Respondent failed to notify the Board, in writing, within five (5) days of her
33 change in employment. Respondent notified the Board in correspondence dated December 31,
34 2008, that she left the employ of Avenal State Prison on October 20, 2008, for reasons unknown.

35 c. Respondent failed to cause to be submitted to the Board, Work Performance
36 Evaluation forms for the following quarters:

1 April-June 2007 due July 7, 2007
2 July-September 2007 due October 7, 2007
3 July-September 2008 due October 7, 2008.

4 FIFTH CAUSE TO REVOKE PROBATION

5 (Failure to Maintain a Valid License)

6 21. At all times after the effective date of Respondent's probation, Condition 10, stated:

7 Respondent shall, at all times while on probation, maintain an active
8 current license with the Board, including any period during which suspension or
9 probation is tolled.

10 Should Respondent's license, by operation of law or otherwise, expire,
11 upon renewal or reinstatement Respondent's license shall be subject to any and all
12 terms of this probation not previously satisfied.

13 22. Respondent's probation is subject to revocation because she failed to comply with
14 Probation Condition 10, referenced above. The facts and circumstances regarding this violation
15 are that Respondent's license expired on June 30, 2009, and has not been renewed.

16 SIXTH CAUSE TO REVOKE PROBATION

17 (Failure to Comply with Cost Recovery Requirements)

18 23. At all times after the effective date of Respondent's probation, Condition 11, stated:

19 Respondent shall pay to the Board pursuant to Business and Professions
20 Code section 125.3 the costs of investigation and enforcement in this matter in the
21 amount of \$2,957 (two thousand nine hundred fifty-seven dollars). Respondent shall
22 be permitted to pay these costs in a payment plan approved by the Board, with the
23 payments to be completed no later than three months prior to the end of the probation
24 term. Failure to complete payment of cost recovery within this time frame shall
25 constitute a violation of probation which may subject Respondent's license to outright
26 revocation.

27 The Board may conditionally renew or reinstate, for a maximum of one
28 year, the license of any Respondent who demonstrates financial hardship.
Respondent shall enter into a formal agreement with the Board to reimburse the
unpaid costs within that one year period.

Except as provided above, the Board shall not renew or reinstate the
license of any Respondent who has failed to pay all the costs as directed in a
Decision.

24. Respondent's probation is subject to revocation because she failed to comply with
Probation Condition 11, referenced above. The facts and circumstances regarding this violation

are that Respondent made six (6) sporadic payments; however, the last payment was returned for "Not Sufficient Funds". As a result, her balance of \$2,257 was referred to collections December 15, 2008.

SEVENTH CAUSE TO REVOKE PROBATION

(Failure to Provide Verification of Attendance in Support/Recovery Groups)

25. At all times after the effective date of Respondent's probation, Condition 13, stated:

Within five (5) days of the effective date of the Decision, Respondent shall begin attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by Respondent with each quarterly report. Respondent shall continue attendance in such a group for the duration of probation.

26. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 13, referenced above. The facts and circumstances regarding this violation are that Respondent failed to submit verification of her attendance with a chemical dependency support/recovery group as required. Respondent was instructed to attend no less than two (2) meetings per week and submit documentation of her attendance with her quarterly reports. No documentation was submitted for the period of May 15 through July 5, 2008.

EIGHTH CAUSE TO REVOKE PROBATION

(Failure to Submit to Biological Fluid Testing)

27. At all times after the effective date of Respondent's probation, Condition 16, stated:

Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and the Respondent's current employer.

28. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 16, referenced above. The facts and circumstances regarding this violation are that Respondent was notified to test on April 2, and July 21, 2009; however, Respondent failed to test.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
4 issue a decision:


5 1. Revoking the probation that was granted by the Board of Vocation Nursing and
6 Psychiatric Technicians in Case No. 6868, and imposing the disciplinary order that was stayed
7 thereby revoking Vocational Nurse License Number VN 130710, issued to Cynthia Renee
8 Fremont;

9 2. Revoking or suspending Vocational Nurse License Number VN 130710, issued to
10 Cynthia Renee Fremont;

11 3. Ordering Cynthia Renee Fremont to pay the Board of Vocational Nursing and
12 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
13 pursuant to Business and Professions Code section 125.3; and,

14 4. Taking such other and further action as deemed necessary and proper.
15
16

17 DATED: November 19, 2010.

18 
19 TERESA BELLO-JONES, J.D., M.S.N., R.N.
20 Executive Officer
21 Board of Vocational Nursing and Psychiatric Technicians
22 Department of Consumer Affairs
23 State of California
24 Complainant

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28

Exhibit A

Decision

Board of Vocational Nursing and Psychiatric Technicians Case No. 6868

BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

CYNTHIA FREMONT
1721 Scott Rd Apt C
Burbank, CA 91504

Vocational Nurse License No. VN 130710

Respondent.

Case No. 6868

OAH No.: L2006040576

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 3, 2007.

IT IS SO ORDERED this 4TH day of December, 2006.

Sister Marie de Porres Taylor

Sister Marie de Porres Taylor
President



1 BILL LOCKYER, Attorney General
of the State of California
2 EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2536
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **CYNTHIA RENEE FREMONT**
1721 Scott Rd., Apt. C
Burbank, CA 91504

13 Vocational Nurse License No. VN 130710

14 Respondent.

Case No. 6868

OAH No. L-2006040576

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

(Hearing Date: September 19, 2006)

16 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
17 the above-entitled proceedings that the following matters are true:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive
20 Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action
21 solely in her official capacity and is represented in this matter by Bill Lockyer, Attorney General
22 of the State of California, by Earl R. Plowman, Deputy Attorney General.

23 2. Respondent Cynthia Renee Fremont (Respondent) is represented in this
24 proceeding by:

Barry S. Bernstein, Esq.

16133 Ventura Blvd., Penthouse, Suite A

Encino, CA 91436-2447

27 //

3. On or about December 26, 1985, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License No. VN 130710 to Cynthia Renee Fremont (Respondent). The License has been renewed, through the licensing period ending June 30, 2007

JURISDICTION

4. Accusation No. 6868 was filed before the Board of Vocational Nursing and Psychiatric Technicians (Board) , Department of Consumer Affairs, on March 15, 2006 and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 15, 2006. Respondent though her attorney timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 6868 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6868. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in
Accusation No. 6868.

1 9. Respondent agrees that her Vocational Nurse License is subject to
2 discipline and she agrees to be bound by the Board of Vocational Nursing and Psychiatric
3 Technicians (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

4 **CIRCUMSTANCES IN MITIGATION**

5 10. Respondent Cynthia Renee Fremont has never been the subject of any
6 disciplinary action. She is admitting responsibility at an early stage in the proceedings.

7 **CONTINGENCY**

8 11. This stipulation shall be subject to approval by the Board of Vocational
9 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for
10 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may
11 communicate directly with the Board regarding this stipulation and settlement, without notice to
12 or participation by Respondent or her counsel. By signing the stipulation, Respondent
13 understands and agrees that she may not withdraw her agreement or seek to rescind the
14 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
15 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
16 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
17 the parties, and the Board shall not be disqualified from further action by having considered this
18 matter.

19 12. The parties understand and agree that facsimile copies of this Stipulated
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
21 force and effect as the originals.

22 13. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the Board may, without further notice or formal proceeding, issue and enter the
24 following Disciplinary Order:

25 **DISCIPLINARY ORDER**

26 IT IS HEREBY ORDERED that Vocational Nurse License No. VN 130710 issued
27 to Respondent Cynthia Renee Fremont (Respondent) is revoked. However, the revocation is
28 stayed and Respondent is placed on probation for three (3) years on the following terms and

1 conditions.

2 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws,
3 including all statutes and regulations governing the license. Respondent shall submit, in writing,
4 a full and detailed account of any and all violations of the law to the Board within five (5) days of
5 occurrence. To ensure compliance with this term, respondent shall submit two (2) completed
6 fingerprint cards and the applicable fingerprint processing fees to the Board within thirty (30)
7 days of the effective date of the decision, unless the Board determines that fingerprint cards were
8 already submitted by Respondent as part of her licensure application process effective July 1,
9 1996. Respondent shall also submit a recent 2" x 2" photograph of Female within thirty (30)
10 days of the effective date of the decision.

11 2. **Compliance With Probation Program And Quarterly Report**
12 **Requirements.** Respondent shall fully comply with terms and conditions of the probation
13 established by the Board and shall cooperate with the representatives of the Board in its
14 monitoring and investigation of the Respondent's compliance with the Probation Program.

15 Respondent shall submit quarterly reports, under penalty of perjury, in a form
16 required by the Board. The reports shall certify and document compliance with all the conditions
17 of probation.

18 3. **Notification of Address And Telephone Number Change(s).**
19 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or
20 mailing address, of her new address and any change in her work and/or home telephone numbers.

21 4. **Notification of Residency or Practice Outside of State.** Respondent
22 shall notify the Board, in writing, within five (5) days, if she leaves California to reside or
23 practice in another state.

24 Respondent shall notify the Board, in writing, within five (5) days, upon her return
25 to California.

26 The period of probation shall not run during the time Respondent is residing or
27 practicing outside California.

28 5. **Notification to Employer(s).** When currently employed or applying for

1 employment in any capacity in any health care profession, Respondent shall notify her employer
2 of the probationary status of Respondent's license. This notification to the Respondent's current
3 health care employer shall occur no later than the effective date of the Decision. Respondent
4 shall notify any prospective health care employer of her probationary status with the Board prior
5 to accepting such employment. This notification shall be by providing the employer or
6 prospective employer with a copy of the Board's Accusation and Disciplinary Decision.

7 The Health Care Profession includes, but is not limited to: Licensed Vocational
8 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency
9 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary
10 technical health care positions.

11 Respondent shall cause each health care employer to submit quarterly reports to
12 the Board. The reports shall be on a form provided by the Board, shall include a performance
13 evaluation and such other information as may be required by the Board.

14 Respondent shall notify the Board, in writing, within five (5) days of any change
15 in employment status. Respondent shall notify the Board, in writing, if she is terminated from
16 any nursing or health care related employment with a full explanation of the circumstances
17 surrounding the termination.

18 6. **Interviews/meetings With Board Representative(s).** Respondent,
19 during the period of probation, shall appear in person at interviews/meetings as directed by the
20 Board, or its designated representatives.

21 7. **Employment Requirements And Limitations.** During probation,
22 Respondent shall work in her licensed capacity in the State of California. This practice shall
23 consist of no less than six (6) continuous months and of no less than twenty (20) hours per week.

24 While on probation, Respondent shall not work for a nurses' registry or in any
25 private duty position, a temporary nurse placement agency, as a faculty member in an accredited
26 or approved school of nursing, or as an instructor in a Board approved continuing education
27 course except as approved, in writing, by the Board. Respondent shall work only on a regularly
28 assigned, identified and predetermined work site(s) and shall not work in a float capacity except

1 as approved, in writing, by the Board.

2 8. **Supervision Requirements.** Respondent shall obtain prior approval from
3 the Board, before commencing any employment, regarding the level of supervision provided to
4 Respondent while employed as a licensed vocational nurse or psychiatric technician.

5 Respondent shall not function as a charge nurse (i.e., work in any healthcare
6 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,
7 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric
8 technician during the period of probation except as approved, in writing, by the Board.

9 9. **Completion of Educational Course(s).** Respondent, at her own expense,
10 shall enroll and successfully complete a course(s) substantially related to the violation(s) no later
11 than the end of the first year of probation; or Respondent shall be suspended from practice, until
12 she has enrolled in and has successfully completed the specified coursework.

13 The coursework shall be in addition to that required for license renewal. The
14 Board shall notify Respondent of the course content and number of contact hours required.
15 Within thirty (30) days of the Board's written notification of assigned coursework, Respondent
16 shall submit a written plan to comply with this requirement. The Board shall approve such plan
17 prior to enrollment in any course of study.

18 Upon successful completion of the course, Respondent shall cause the instructor
19 to furnish proof to the Board within thirty (30) days of course completion.

20 10. **Maintenance of Valid License.** Respondent shall, at all times while on
21 probation, maintain an active current license with the Board, including any period during which
22 suspension or probation is tolled.

23 Should respondent's license, by operation of law or otherwise, expire, upon
24 renewal or reinstatement respondent's license shall be subject to any and all terms of this
25 probation not previously satisfied.

26 11. **Cost Recovery Requirements.** Respondent shall pay to the Board
27 pursuant to Business and Professions Code Section 125.3 the costs of investigation and
28 enforcement in this matter in the amount of \$2957 (two thousand nine hundred fifty-seven

1 dollars). Respondent shall be permitted to pay these costs in a payment plan approved by the
2 Board, with the payments to be completed no later than three months prior to the end of the
3 probation term. Failure to complete payment of cost recovery within this time frame shall
4 constitute a violation of probation which may subject Respondent's license to outright
5 revocation.

6 The Board may conditionally renew or reinstate, for a maximum of one year, the
7 license of any respondent who demonstrates financial hardship. Respondent shall enter into a
8 formal agreement with the Board to reimburse the unpaid costs within that one year period.

9 Except as provided above, the Board shall not renew or reinstate the license of any
10 Respondent who has failed to pay all the costs as directed in a Decision.

11 12. **Violation of Probation.** If Respondent violates the conditions of her
12 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
13 aside the stay order and impose the stayed disciplinary order of revocation of the Respondent's
14 license. If during the period of probation, an accusation or petition to revoke has been filed
15 against the Respondent's license or the Attorney General's Office has been requested to prepare
16 an accusation or petition to revoke probation against the Respondent's license, the probationary
17 period shall automatically be extended and shall not expire until the accusation or petition has
18 been acted upon by the Board. Upon successful completion of probation, the Respondent's
19 license will be fully restored.

20 13. **Chemical Dependency Support/recovery Groups.** Within five (5) days
21 of the effective date of the Decision, Respondent shall begin attendance at a chemical
22 dependency support group (e.g. Alcoholics Anonymous, Narcotics Anonymous, Nurse Support
23 Group). Verified documentation of attendance shall be submitted by Respondent with each
24 quarterly report. Respondent shall continue attendance in such a group for the duration of
25 probation.

26 14. **Abstain From Controlled Substances.** Respondent shall completely
27 abstain from the personal use or possession of controlled substances, as defined in the California
28 Uniform Controlled Substances Act, and dangerous drugs as defined in Section 4021 and 4022 of

1 the Business and Professions Code, except when lawfully prescribed by a licensed practitioner
2 for a bona fide illness.

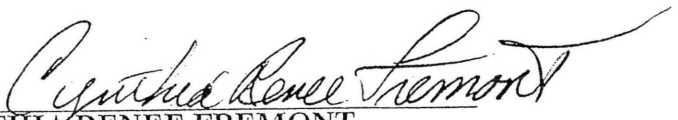
3 15. **Abstain From Use of Alcohol.** Respondent shall completely abstain from
4 the use of alcoholic beverages during the period of probation.

5 16. **Submit Biological Fluid Samples.** Respondent shall immediately submit
6 to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. There
7 will be no confidentiality in test results; positive test results will be immediately reported to the
8 Board and the Respondent's current employer.

9
10 **ACCEPTANCE**

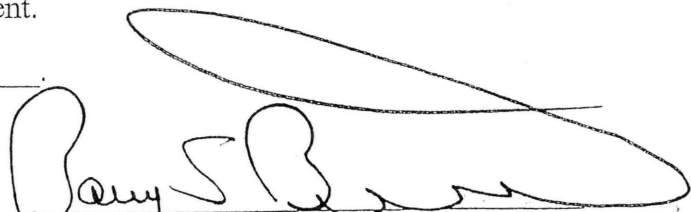
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and
12 have fully discussed it with my attorney, Barry S. Bernstein. I understand the stipulation and the
13 effect it will have on my Vocational Nurse License. I enter into this Stipulated Settlement and
14 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
15 Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

16 DATED: 9/1/06

17
18 
19 CYNTHIA RENEE FREMONT
Respondent

20 I have read and fully discussed with Respondent Cynthia Renee Fremont the terms
21 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
22 Order. I approve its form and content.

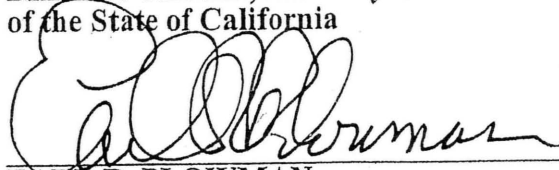
23 DATED: 9/1/06

24
25 
26 BARRY S. BERNSTEIN
27 Attorney for Respondent
28

1 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
2 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of
3 the Department of Consumer Affairs.

4 DATED: September 5, 2006

5 **BILL LOCKYER, Attorney General**
6 **of the State of California**

7 

8 **EARL R. PLOWMAN**
9 Deputy Attorney General

10 Attorneys for Complainant

11 DOJ Matter ID: LA2005600347
12 60148202.wpd
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Exhibit A

Accusation No. 6868

1 BILL LOCKYER, Attorney General
of the State of California
2 EARL R. PLOWMAN, State Bar No. 54339
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2536
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7 **BEFORE THE**
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 6868

10 CYNTHIA RENEE FREMONT
11 1721 Scott Road., Apt. C
Burbank, CA 91504

A C C U S A T I O N

12 Vocational Nurse License No. VN 130710

13 Respondent.
14

15
16 Complainant alleges:

17 PARTIES

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
19 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
20 Nursing and Psychiatric Technicians.

21 2. On or about December 26, 1985, the Board of Vocational Nursing and
22 Psychiatric Technicians issued Vocational Nurse License No. VN 130710 to Cynthia Renee
23 Fremont (Respondent). The Vocational Nurse License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on June 30, 2007, unless renewed.

25
26 JURISDICTION

27 3. This Accusation is brought before the Board of Vocational Nursing and
28 Psychiatric Technicians (Board), under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Section 2875 of the Business and Professions Code (Code) provides, in
4 pertinent part, that the Board may discipline the holder of a vocational nurse license for any
5 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice
6 Act.

7 5. Section 118(b) of the Code provides, in pertinent part, that the expiration
8 of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during
9 the period within which the license may be renewed, restored, reissued or reinstated. Under
10 section 2892.1 of the Code, the Board may renew an expired license at any time within four years
11 after the expiration.

12 6. Section 2878 of the Code states:

13 "The Board may suspend or revoke a license issued under this chapter [the
14 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

15

16 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
17 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
18 Vocational Nursing Practice Act].

19

20 "(f) Conviction of a crime substantially related to the qualifications, functions,
21 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
22 conclusive evidence of the conviction."

23 7. Section 2878.5 of the Code states:

24 "In addition to other acts constituting unprofessional conduct within the meaning
25 of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of
26 the following:

27 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
28 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or

1 administer to another, any controlled substance as defined in Division 10 of the Health and
2 Safety Code, or any dangerous drug as defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 of the Health and
4 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an
5 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,
6 or to the extent that the use impairs his or her ability to conduct with safety to the public the
7 practice authorized by his or her license.

8 "(c) Be convicted of a criminal offense involving possession of any narcotic or
9 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
10 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
11 conclusive evidence thereof."

12 8. Section 490 of the Code provides, in pertinent part, that the Board may
13 suspend or revoke a license when it finds that the licensee has been convicted of a crime
14 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

15 9. California Code of Regulations, title 16, section 2521, states:

16 "For the purposes of denial, suspension, or revocation of a license pursuant to
17 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
18 act shall be considered to be substantially related to the qualifications, functions or duties of a
19 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
20 licensed vocational nurse to perform the functions authorized by his license in a manner
21 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
22 limited to those involving the following:

23

24 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or
25 abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2
26 of the Business and Professions Code."

27 10. Section 11170 of the Health and Safety Code provides: "no person shall
28 prescribe, administer, or furnish a controlled substance for himself."

1 11. Section 11173 of the Health and Safety Code states:

2 "(a) No person shall obtain or attempt to obtain controlled substances, or procure
3 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
4 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

5 12. Section 125.3 of the Code provides, in pertinent part, that the Board may
6 request the administrative law judge to direct a licensee found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 13. CONTROLLED SUBSTANCES

10 a. "Cocaine" is a Schedule II controlled substance as designated by Health
11 and Safety Code section 11055(b)(6).

12 b. "Darvocet", a combination drug containing propoxyphene napsylate and
13 acetaminophen, is a Schedule IV controlled substance as designated by Health and Safety Code
14 section 11057(c)(2) and categorized as a dangerous drug pursuant to section 4022 of the Code.

15 c. "Methamphetamine" is a Schedule II controlled substances as defined in
16 Health and Safety Code section 11055(d)(2) and is categorized as a dangerous drug pursuant to
17 Business and Professions Code section 4022 of the Code.

18 FIRST CAUSE FOR DISCIPLINE

19 (Conviction of Substantially Related Crimes)

20 14. Respondent is subject to disciplinary action under sections 2872,
21 subdivision (f), and 490 of the Code on the grounds of unprofessional conduct as defined in
22 section 2878.5, subdivision (c), in conjunction with California Code of Regulations, title 16,
23 section 2521, in that Respondent was convicted of crimes substantially related to the
24 qualifications, functions or duties of a licensed vocational nurse. The circumstances are as
25 follows:

26 a. On or about October 6, 2003, Respondent was convicted by the Court on a
27 plea of nolo contendere to one count of violation of Health and Safety Code section 11350(a), a
28 misdemeanor (possession of a controlled substance), in the Superior Court of California, County

1 of Los Angeles, Case No. GA054802, entitled *People of the State of California v. Cynthia Renee*
2 *Fremont*.

3 b. The circumstances surrounding the conviction are that on or about
4 September 25, 2003, a male friend was driving Respondent's vehicle and subsequently stopped
5 and questioned by Burbank police officers. During a search of the vehicle, Respondent's purse
6 was found under the driver's seat and was searched. The police officer found a plastic baggie
7 containing Methamphetamine. Respondent was contacted and questioned by the officer. During
8 the questioning, Respondent turned over a plastic baggie containing Cocaine. She admitted to
9 using Cocaine since she was 24 years old and Methamphetamine for two or three years.

10 c. On or about December 2, 2003, Respondent was convicted by the Court on
11 a plea of nolo contendere to one count of violating Vehicle Code section 14601.1(a), a
12 misdemeanor, (driving with suspended license), in the Superior Court of California, County of
13 Los Angeles, Case No. IBU02174, entitled *The People of the State of California v. Cynthia*
14 *Renee Fremont*.

15 d. The circumstances surrounding the conviction are that on or about August
16 13, 2001, Respondent was driving an automobile during the time her license was under
17 suspension.

18 e. On or about November 21, 1989, Respondent was convicted by the Court
19 on a plea of guilty to one count of violating Vehicle Code section 23152(a), a misdemeanor
20 (driving under the influence of alcohol/drugs), in the Municipal Court of Burbank Judicial
21 District, County of Los Angeles, Case No. 89M4103, entitled *People of the State of California v.*
22 *Cynthia Renee Fremont*.

23 f. The circumstances surrounding the conviction are that on or about
24 November 3, 1989, Respondent was arrested for driving under the influence of alcohol and/or
25 drugs.

26 //

27 //

28 //

1
2 SECOND CAUSE FOR DISCIPLINE

3 (Possession of a Controlled Substance)

4 15. Respondent is subject to disciplinary action under section 2878,
5 subdivision (d), on the grounds of unprofessional conduct as defined in section 2878.5,
6 subdivision (a) of the Code for violating Health and Safety Code section 11173, subdivision (a),
7 in that Respondent was in possession of controlled substances, Cocaine and Methamphetamine.
8 The circumstances are as follows:

9 a. On or about September 25, 2003, Burbank police officers searched
10 Respondent's vehicle and found a baggie containing Methamphetamine in her purse.
11 Respondent was also in possession of a baggie containing Cocaine, as more fully set forth in
12 paragraph 14, above.

13 THIRD CAUSE FOR DISCIPLINE

14 (Administer a Controlled Substance to Oneself)

15 16. Respondent is subject to disciplinary action under section 2878,
16 subdivision (d), on the grounds of unprofessional conduct as defined in section 2878.5,
17 subdivision (c) of the Code for violating Health and Safety Code section 11170, in that
18 Respondent was in possession of controlled substances, to wit: Propoxyphene. The
19 circumstances are as follows:

20 a. On or about August 6 2002, as a condition for employment with the
21 Beverly Manor Nursing and Rehabilitation Center, Respondent was required to take a pre-
22 employment drug test. The urine drug test results came back positive for Propoxyphene.
23 Respondent stated t hat she had taken Darvocet, which a friend had given her.
24

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein
27 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
28 Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License No. VN 130710, issued to Cynthia Renee Fremont Cynthia Renee Fremont.

2. Ordering Cynthia Renee Fremont to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: March 15, 2006

TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

State of California

Complainant